

REMARKS

In view of the following remarks, reconsideration and allowance of this patent application is earnestly solicited. Claims 1-9 stand rejected in this application.

In the Office Action, the Examiner rejected claims 1-9 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,089,831 (“Bruehmann”) in view of U.S. Patent No. 5,960,777 (“Nemser”). Applicants respectfully traverse the foregoing claim rejections for the reasons set forth herein.

Generally speaking, as set forth in detail in the present application, Applicants’ claimed invention is directed to an improved method and system for detecting a failure of a compressed air consumer circuit in an electronic compressed air system that precludes premature shutoff of compressed air consumer circuits in response to momentary dynamic pressure collapses. The method and system of the present claimed invention measures a variable of state or the negative gradient of the variable of state of the individual compressed air consumer circuits and determines whether the measured value satisfies a circuit-failure criterion for a predefined time. A compressed air consumer circuit is only shut off if the circuit-failure criterion is satisfied. The present claimed invention improves vehicle safety by preventing premature shut off of compressed air consumer circuits and by improving energy supply to compressed air consumer circuits that already have a low pressure level due to air consumption.

Bruehmann describes embodiments of a compressed air supply device having an air compressor connected to an air drier for supplying compressed air to consumer circuits. Pressure sensors monitor pressure in the consumer circuits and send signals to control electronics, which can disconnect the consumer circuits from the compressed air supply and withdraw compressed air from the consumer circuits for transfer to secondary consumer circuits.

The control electronics can also be programmed to regenerate air to the air drier. The Examiner acknowledges that Bruehmann does not teach or suggest measuring and comparing a negative gradient of a variable of state against a threshold value to determine whether to disconnect consumer circuits from a compressed air supply. The Examiner relies upon Nemser to cure this severe deficiency of Bruehmann.

Nemser describes embodiments of an apparatus and method of operating an internal combustion engine with a plentiful and portable source of oxygen or nitrogen enriched air. A continuously optimal feed concentration of either oxygen or nitrogen enriched air is provided through a feedback control system. The feedback control system includes sensors for detecting operating characteristics at selected locations and for converting the detected characteristics to signals for control electronics to issue commands to a throttle in order to make adjustments to obtain improved operating characteristics. The Examiner relies upon Nemser primarily for its general disclosure of measuring and comparing a negative gradient of a variable of state against a threshold value.

Nemser is not at all concerned with, and accordingly does not teach or suggest, measuring and comparing a negative gradient of a variable of state against a threshold value to determine whether to disconnect consumer circuits from a compressed air supply. Nemser's general reference to a negative gradient of a variable of state, without more, does not provide any motivation for one of ordinary skill to combine Bruehmann and Nemser, much less to modify the teachings of the references to provide for a system and method that disconnect consumer circuits from a compressed air supply based on the comparison of a negative gradient of a variable of state against a threshold value as affirmatively claimed in the present application. Indeed, one of ordinary skill would not look to combine Bruehmann and Nemser because a combination of the

references would not yield the claimed invention due to claim features -- here, disconnecting consumer circuits from a compressed air supply based on the measurement and comparison of a negative gradient of a variable of state against a threshold value -- not found in either reference.

By taking in hindsight knowledge of the claimed invention and attributing elements thereof to Bruehmann and Nemser to present claim rejections under 35 U.S.C. §103(a) when the cited art does not contain or support that knowledge, it is respectfully submitted that the Examiner is impermissibly using the claimed invention as a blueprint for its own reconstruction. The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made. See e.g., *Interconnect Planning Corp. v. Feil*, 227 U.S.P.Q. 543, 547 (Fed. Cir. 1985), *W.L. Gore & Assoc. v. Garlock, Inc.*, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983).

For the foregoing reasons, it is respectfully submitted that one of ordinary skill in the art who reads and understands Bruehmann and Nemser would not be inclined, let alone equipped, to arrive at the present invention as claimed in independent claim 1 or independent claim 4. Notice to the effect that claims 1 and 4 are patentable over the cited art is respectfully requested.

It is further submitted that claims 2, 3 and 5-9, which variously depend from independent claims 1 and 4, are allowable for the same reasons articulated above as well as for the additional features and structure recited therein. Notice to this effect is also respectfully requested.

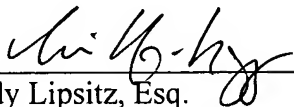

The Examiner cited Ibarrola U.S. Patent No. 5,191,956; Jackson et al. U.S. Patent Publ. No. 2003/0115086; Baruschke et al. U.S. Patent No. 5,992,163; and Eberspach et al. U.S. Patent No. 6,712,282; but did not apply these references against the application claims.

Applicants note that no further comment regarding the forgoing cited but unapplied references is deemed necessary or appropriate at this time.

On the basis of the foregoing remarks, Applicants respectfully submit that this application is in condition for immediate allowance, and notice to this effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed due with this Reply. Please charge any fee deficiency to Deposit Account No. 50-0540.

Respectfully submitted,

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